institutions of a public character to all classes and sections of Hindus."

So, article 25 makes it clear that the Temple Entry Authorisation Act originally passed by us continues to be in force.

The Hon'ble Sri H. SIDDAIYA.—Because it came into existence prior to the Constitution of India, it continues. That is very clear.

Mr. SPEAKER.—The question is :

"That as recommended by the Rajpr mukh in his Message, the Mysore Temple Entry Authorisation (Amendment) Bill 1951, be reconsidered by the Assembly having regard to the provisions of Articles 17 and 35 (a) (ii) of the Constitution."

The motion was adopted.

Motion for leave to withdraw.

The Hon'ble Sri H. SIDDAIYA.—Sir, I move :

"That leave be granted to withdraw the Mysore Temple Entry Authorisation (Amendment) Bill 1951."

Mr. SPEAKER.—The question is :

"That leave be granted to withdraw the Mysore Temple Entry Authorisation (Amendment) Bill 1951."

The motion was adopted.

The Bill was withdrawn by leave of the House.

RESOLUTION.

Empowering the Parliament to make laws relating to Evacuee Property.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—Sir, I move the following Resolution for the acceptance of this Hon'ble House :—

"Whereas for the better management and disposal of certain evacuee property, it is desirable to make Central laws providing for the separation of the interests of the evacuees from those of non-evacuees, and such laws may *inter alia* relate to certain matters enumerated in the State List:

This House do resolve, in pursuance of Article 252 of the Constitution, that it is desirable that Parliament should, for the aforesaid purposes, regulate by law in the State of Mysore the following matters enumerated in entries 18 and 30 of the State List, namely:—

"rights in or over land ; transfer and alienation of agricultural land; money-lending and money-lenders and relief of agricultural indebtedness."

Sir, the need for this resolution arises this way. There is what is known as Evacuee Properties Act, and the Revenue Commissioner in Mysore is the Custodian of such properties belonging to evacuees. Now, there are non-evacuees who are interested in the property either by way of joint ownership, or by way of alienations from evacuees as for instance mortgage, hypothecation and so on. How do you differentiate between the interest of the evacuee in the property and the interest of the non-evacuee in the property? Evacuee property vests in the Revenue Commissioner. Non-evacuee property vests in the individuals and you must think of some law according to which you can differentiate the evacuees, and the non-evacuees right over the properties. The same law is governing the management of property in both cases, and this is a matter which prevails all over India, not merely in Mysore. So it is better and it is more desirable to have a Central Law which will apply to all parts of India. That is why the Government of India wrote to us to say that it would be better to have a Central Law passed by Parliament in order to provide for the separation of non-evacuee interests from the evacuee interests in the properties. Money-lending, agricultural lands, these are subjects entirely within the scope of the State Legislature. The Central Legislature cannot pass any law in respect of it unless we agree. Therefore we have got to agree to that and the mode of agreement is also contained in the Constitution. It says that if the State Legislature passes a resolution asking the Central Parliament to make a law so that it may be enforced here it is only then that the Parliament can take up this matter. This is contained in Article 252 which says :

"252 (1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in Articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly....."

(THE HON'BLE SRI K. T. BHASHYAM).

So it is up to us to say that the Parliament may make Central Laws for the differentiation of non-evacuee interests in property from the evacuee interests and that is why we have now placed this resolution before this House. If this House passes this resolution, a central law will be framed by the Parliament according to which non-evacuees will get the benefit of their interests being separated and given over to them. This is what we mean in this resolution.

Sri W. H. HANUMANTHAPPA (Bangalore District—General).— Are you taking initiative, or have other provinces taken initiative in this matter?

The Hon'ble Sri K.T. BHASHYAM.— All the Provinces have been circularised by the Government of India and each is taking steps in this direction.

Mr. SPEAKER.—Resolution moved:

"Whereas for the better management and disposal of certain evacuee property, it is desirable to make Central laws providing for the separation of the interests of the evacuees from those of non-evacuees, and such laws may *inter alia* relate to certain matters enumerated in the State List:

"This House do resolve in pursuance of Article 252 of the Constitution that it is desirable that Parliament should, for the aforesaid purposes, regulate by law in the State of Mysore the following matters enumerated in entries 18 and 30 of the State List, namely :—

"rights in or over land; transfer and alienation of agricultural land; money-lending and money-lenders and relief of agricultural indebtedness."

***Janab SYED ABDUR RAHMAN** (Chickmagalur *cum* Shimoga-Muslim).— There is one point for clarification. The law relating to evacuee property was by an Act of Parliament?

The Hon'ble Sri K. T. BHASHYAM.— Yes.

Janab SYED ABDUR RAHMAN.— And that law was made applicable to all the States?

The Hon'ble Sri K. T. BHASHYAM.— Yes.

Janab SYED ABDUR RAHMAN.— Now for bringing about this change, is it necessary that by a resolution we should convey to the Government of India that they should take some such legislation? Would not this have been done by the Parliament itself without referring to the State Legislature? What was the idea?

The Hon'ble Sri K.T. BHASHYAM.— That is what I explained. The Parliament could not legislate in respect of agricultural land and money lending which constitute entries 18 and 20 in List No. II which is the State List. It is entirely within the scope of this State Legislature to legislate regarding agricultural land and money lending, but agricultural land and money lending form part of the property in which evacuees have some interest and non-evacuees also have some interest and therefore the Central Government cannot legislate on the one side and it is desirable to have central legislation on the other side. We have got to give them power and they have got to legislate.

Janab SYED ABDUR RAHMAN.— Were you also one among them, or the scheme came from them direct?

The Hon'ble Sri K. T. BHASHYAM.— We got a circular from the Government of India. We found that it was desirable to fall in line with the rest of the Provinces and so we suggest this resolution to the Assembly.

Mr. SPEAKER.—The question is:

"Whereas for the better management and disposal of certain evacuee property, it is desirable to make Central laws providing for the separation of the interests of the evacuees from those of non-evacuees, and such laws may *inter alia* relate to certain matters enumerated in the State List:

"This House do resolve in pursuance of article 252 of the Constitution that it is desirable that Parliament should, for the aforesaid purposes, regulate by law in the State of Mysore the following matters enumerated in entries 18 and 30 of the State List namely:—

"rights in or over land; transfer and alienation of agricultural land; money-lending and money-lenders and relief of agricultural indebtedness."

The motion was adopted.

LEGISLATIVE BUSINESS.

The Mysore Kolar Gold Fields Municipal Bill, 1951.

Motion to consider.

The Hon'ble Sri R. CHENNIGARAMIAH (Minister for Local Self-Government)—Sir, I move:

"That the Mysore Kolar Gold Fields Municipal Bill, 1951 be taken into consideration."